

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE:)(CASE NO. 14-70527-M-13
(
ANASTACIO VALDEZ,)(
(
Debtor.)(

DEBTOR'S OBJECTION TO PROOF OF CLAIM No. 6
FILED BY CERASTES, LLC.

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THE OBJECTING PARTY WITHIN THIRTY (30) DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN THIRTY (30) DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A HEARING HAS BEEN SET ON THIS MATTER ON FEBRUARY 25, 2015 AT 9:00 A.M. IN THE BANKRUPTCY COURTROOM, 8th FLOOR, BENTSEN TOWER, 1701 BUSINESS 83, MCALLEN, TEXAS.

TO HONORABLE RICHARD S. SCHMIDT, U. S. Bankruptcy Judge:

COMES NOW, ANASTACIO VALDEZ, Debtor herein, and under 11 U.S.C. Section 502 objects to the proof of claim No. 1 filed by CERASTES, LLC., (hereinafter "Claimant") and in support of this Motion, respectfully states to the Court as follows:

- 1) The Claimant's Proof of Claim No. 6 claims that Debtor owes \$500.00, all unsecured.
- 2) The Claimant's Proof of Claim shows that it (the alleged claim) was sold to another alleged creditor prior to its sale to CERASTES, LLC, but no information was submitted with the said Proof of Claim as to by whom, when or under what terms this claim was incurred. No papers or exhibits showing any of the needed information was attached to the proof of claim

3.) The Debtor does not recognize the Claimant nor does he recognize any of its predecessors, and believes (and therefore alleges) that he never incurred this debt/claim.

4.) This claim should be disallowed.

WHEREFORE, the Debtor prays that this Court make and enter an Order denying CERASTES, LLC. proof of claim, and for such other and further relief as may be just and equitable in the premises.

Respectfully submitted,

/s/ Richard O. Habermann

Richard O. Habermann
1418 Beech Avenue, Suite 132
McAllen, Texas 78501
Office: (956) 687-2920
Fax: (956) 668-1923
State Bar No. 08665530

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing objection to claim was sent by U.S. Mail or electronic mail to the following parties on ***January 17, 2015***:

Ms. Cindy Boudloche
555 N. Carancahua, Suite 600
Corpus Christi, Texas 78478

Assistant U. S. Trustee
606 Carancahua Street, Suite 1107
Corpus Christi, Texas 78475

Ms. Diane W. Sanders
LINEBARGER GOGGAN BLAIR & SAMPSON, L.L.P.
1949 South IH 35
P. O. Box 17428
Austin, Texas 78760-7428

Mr. Steve Turner
BARRETT DAFFIN FRAPPIER TURNER & ENGEL, L.L.P.
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

CERASTES, LLC.
c/o WEINSTEIN, PINSON AND RILEY, P.S.
200 Western Avenue, Suite 400
Seattle, Washington 98121

Mr. Anastacio Valdez
5311 North 24th Lane
McAllen, Texas 78504

/s/ Richard O. Habermann
Richard O. Habermann

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AFFIDAVIT AS TO FACTS

On this day personally appeared before me, the undersigned Notary Public, the named Affiant who, after being duly sworn upon oath that he has read the above objection, and that every statement therein contained is within his personal knowledge and is true and correct, to the best of his information and belief.

s/ Anastacio Valdez
Anastacio Valdez, Debtor

SUBSCRIBED AND SWORN TO BEFORE ME, on this 13th day of January, 2015.

s/Monica S. Arredondo
Notary Public in and for the State of Texas

(SEAL)